

JUDGE LYNCH

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CORBIS CORPORATION,
a Nevada corporation,

Plaintiff,

v.

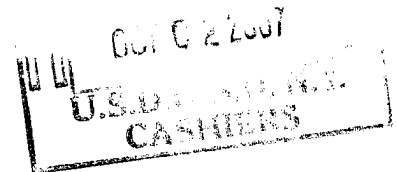
ABC VIRTUAL COMMUNICATIONS,
an Iowa corporation,

Defendant.
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07 CIV 8548

No. 07 Civ.

JURY DEMAND



COMPLAINT

Plaintiff Corbis Corporation, through its attorneys, complaining of
Defendant ABC Virtual Communications, alleges as follows:

1. This is a civil action seeking damages for copyright infringement and violations of the Digital Millennium Copyright Act ("DMCA"). As explained below, Defendant has made widespread and repeated use without permission of images owned or controlled by Plaintiff, contrary to the copyright laws.

JURISDICTION AND VENUE

2. Jurisdiction. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C., Sections 1331 and 1338(a), as this action involves claims

brought under federal law, the Copyright Act of 1976, 17 U.S.C. §§ 101 *et seq.* This Court has personal jurisdiction over Defendant because, on information and belief, the Defendant transacts business in this State and because Defendant's access to and use of Plaintiff's website constitutes agreement to the jurisdiction of this Court under the applicable terms and conditions.

3. Venue. Venue in this Court is proper pursuant to 28 U.S.C. Sections 1391(b) and 1400(a) because, on information and belief, the Defendant may be found in this District and because Defendant's access to and use of Plaintiff's website constitutes agreement to venue in this Court under the applicable terms and conditions.

THE PARTIES

4. Plaintiff Corbis Corporation ("Corbis") is a Nevada corporation, with its principal place of business at 902 Broadway, New York, New York 10010.

5. Upon information and belief, ABC Virtual Communications ("ABCV") is a corporation organized under the laws of the State of Iowa, with its principal place of business at Regency 1 Building, 1501 50th Street, Suite 200, West Des Moines, IA 50266-5962.

BACKGROUND

6. Corbis is in the business of licensing photographs and fine art images on behalf of itself and the photographers and other licensors it represents. Generally, the images in Corbis' collection were taken by professional photographers

who earn most or all of their livelihoods from the licensing fees Corbis is able to obtain for their images. Many of the images in Corbis' collection are produced by well-known photographers, and the collection includes some of the most recognized images in contemporary society.

7. The images in Corbis' collection are the subject of copyright protection under the laws of the United States, and at considerable expense and effort, Corbis has protected images in its collection by systematically registering the copyrights to the images.

8. Corbis owns and operates a website located at the Internet address www.corbis.com. At Corbis' website, professional and consumer users are able to search hundreds of thousands of images from Corbis' collection and then pay to license the images for specific personal or commercial uses. Visitors to the www.corbis.com site interact with and obtain Corbis images from servers that are located in Seattle, Washington. Use of the www.corbis.com site and the images available for license there is governed by terms and conditions that require all disputes to be subject to the jurisdiction of state and federal courts in New York, New York.

9. Upon information and belief, ABCV is a company based in Iowa that is engaged in the business of providing mortgage, banking and technology

solutions services. At all times relevant hereto, ABCV owned and operated a website located at the Internet address www.abcv.com.

10. Upon information and belief, on an as yet unknown date, ABCV or its agent visited Corbis' website, and without authorization, downloaded or copied numerous Corbis images that had previously been registered with the United States Copyright Office. Then ABCV or its agent uploaded these same images to its www.abcv.com website for display on its website, as part of the marketing and advertising material presented on that site in order to attract business to ABCV. These same images were included on the www.abcv.com website through at least June 1, 2007, even after notice by Corbis to ABCV.

11. Attached hereto as Exhibit A are true and correct copies of each of the Corbis images previously registered with the Copyright Office, with screen shots taken from the www.abcv.com website depicting these images from Corbis' collection that were used by ABCV without authorization and displayed on its website.

12. At all relevant times hereto, ABCV displayed these copyrighted images on its website without license or other authorization from Corbis.

13. Attached hereto as Exhibit B is a chart identifying the United States Copyright Office registration certificate numbers and registration dates for the Corbis

images displayed on Exhibit A, evidencing that Corbis owns or controls the registered copyrights to the images that were displayed on the www.abcv.com website.

FIRST CAUSE OF ACTION
COPYRIGHT INFRINGEMENT

14. Corbis repeats and realleges the allegations of Paragraphs 1 through 13 as if fully set forth herein.

15. Corbis holds valid and exclusive registered copyrights to the images that are the subject of this action and that are evidenced by the copyright registration certificates referenced by Exhibit B.

16. ABCV reproduced, distributed and displayed those images without Corbis' authorization.

17. The actions and conduct by ABCV as described above infringe upon the exclusive rights of Corbis granted by Section 106 of the Copyright Act, 17 U.S.C. § 106, to display, reproduce, and distribute the registered copyrighted works to the public.

18. Such actions and conduct by ABCV constitute copyright infringement under Section 501 of the Copyright Act, 17 U.S.C. § 501. Upon information and belief, the conduct of Defendant described above was willful.

19. As a result of the copyright infringement described above, Corbis is entitled to relief including, but not limited to, injunctive relief, actual or statutory damages, statutory costs and attorneys' fees, and prejudgment interest.

SECOND CAUSE OF ACTION
DMCA VIOLATION

20. Corbis repeats and realleges the allegations of Paragraphs 1 through 19 as if fully set forth herein.

21. All of the images that are the subject of this lawsuit were displayed on the www.corbis.com website with corresponding copyright management information ("CMI"). Upon information and belief, when ABCV or its agents duplicated and displayed the subject images on its www.abcv.com website, it removed the CMI from each of the Corbis images used by ABCV. The removal of the CMI from each of these images in order to induce, enable, facilitate, or conceal ABCV's infringement of those images, as described above, constitutes a violation of the Digital Millenium Copyright Act, 17 U.S.C. § 1202(b).

22. As a result of the conduct described above, Plaintiff is entitled to relief including, but not limited to, injunctive relief, actual or statutory damages, statutory costs and attorneys' fees, and prejudgment interest.

RELIEF REQUESTED

WHEREFORE, Corbis prays for relief as follows:

1. For an order permanently enjoining Defendant from infringing Corbis' copyrighted images pursuant to Section 502 of the Copyright Act, 17 U.S.C. § 502, and permanently enjoining Defendant from displaying Corbis' copyrighted images pursuant to the DMCA, 17 U.S.C. § 1203(b);

2. For an award of Defendant's profits and for damages in such amount as may be found, or for statutory damages of (a) not less than \$750 or more than \$30,000 per image pursuant to 17 U.S.C. Section 504(c)(1) or, upon a finding of willful infringement pursuant to 17 U.S.C. Section 504(c)(2), up to \$150,000 per image, and (b) not less than \$2,500 or more than \$25,000 per image pursuant to 17 U.S.C. Section 1203(c)(3)(B);

3. For an award of costs, pursuant to 17 U.S.C. Sections 505 and 1203(b)(4);


4. For an award of reasonable attorneys' fees, pursuant to 17 U.S.C. Sections 505 and 1203(b)(5);

5. For an award of prejudgment interest on the amount of any award to Plaintiff; and

6. For such other and further relief as the Court deems just and proper.

Dated: New York, New York
October 2, 2007

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